



MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Tuesdays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

5:30 p.m. session [Order of business]

- Invocation and Pledge of Allegiance
- Presentations
- Summary of Current Events
- Liquor license applications
- Consent Agenda

- Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing.
- Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour.
- Other Mayor and Council business as listed on the agenda for the meeting.

Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site. : www.tucsonaz.gov/agdocs

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

Spanish language interpreting assistance is available during the meeting. If you need assistance, contact the Council Reporter located near the front, right side of the Chambers.

PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name, address, whether you reside in the City of Tucson and whom you represent, before proceeding. Any person who is representing people other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker".
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, www.tucsonaz.gov/agdocs. Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

Robert E. Walkup – Mayor
Steve Leal – Vice Mayor

Council Members

José J. Ibarra **Ward 1**
Carol W. West **Ward 2**
Karin Uhlich **Ward 3**

Shirley C. Scott **Ward 4**
Steve Leal **Ward 5**
Nina J. Trasoff **Ward 6**

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639), FAX: 791-4017 or WEB SITE: www.tucsonaz.gov/agdocs, 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12. In addition, replays of the meetings are cablecast on Tucson 12 as follows:
Wednesdays – 9:00 p.m. Thursdays – 9:00 a.m. Sundays – 9:00 a.m.
VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



MAYOR & COUNCIL MEETING NOTICE & AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mayor and Council and to the general public that the Mayor and Council will hold the following meeting, which will be open to the public:

REGULAR MEETING

**TUESDAY, MARCH 28, 2006 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)**

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Reverend Tom Jelinek, St. Mark's United Methodist Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager MARCH28-06-150 CITY-WIDE

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

a. Report from City Manager MARCH28-06-151 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager MARCH28-06-145 CITY-WIDE
- b. Liquor License Applications

NOTE: There are no applications for licenses scheduled for this meeting.

- c. Special Event

- 1. Comité de Festividades Mexicanas, Ward 1
3700 S. La Cholla Blvd.
Applicant: Mercedes M. Guerrero
City T12-06
Date of Event: May 6 & 7, 2006
Celebrate Cinco de Mayo

Staff has indicated the applicant is in compliance with city requirements.

- 2. Escaramuza Flor de Primavera, Ward 5
4823 S. 6th Ave.
Applicant: Francisco J. Celaya
City T13-06
Date of Event: April 15, 2006
Entertainment & Educate Mexican Culture

Staff has indicated the applicant is in compliance with city requirements.

- 3. The Museum of Contemporary Art, Ward 1
325 W. 2nd St.
Applicant: Emily Gail Yetman
City T17-06
Date of Event: April 8, 2006
Fundraising

Staff has indicated the applicant is in compliance with city requirements.

- d. Agent Change

NOTE: There are no agent changes scheduled for this meeting.

6. CONSENT AGENDA – ITEMS A THROUGH C

FOR COMPLETE DESCRIPTION OF ITEMS
SEE ATTACHED CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

7. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a “retained speaker”. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

8. ZONING: (C9-04-15) DOS RIOS – ALVERNON WAY, C-2/I-1 TO R-2, ORDINANCE ADOPTION FOR A PORTION OF THE PROPERTY

- a. Report from City Manager MARCH28-06-146 WARD 5
- b. Ordinance No. 10264 relating to zoning: amending a portion of the zoning district boundaries in the area located at the southeast corner of Benson Highway and Alvernon Way in Case C9-04-15 (RZ06-10) Dos Rios – Alvernon Way, C-2 and I-1 to R-2; and setting an effective date.

9. ZONING: (C9-05-08) STILLER – ESCALANTE ROAD, SR TO R-1, CITY MANAGER’S REPORT

- a. Report from City Manager MARCH28-06-148 WARD 4
- b. Report from Zoning Examiner dated March 3, 2006
- c. Request to rezone approximately 8.09 acres from SR (Very Low-density Residential) to R-1 (Low-density Residential) zoning. Applicant: Ben Buehler-Garcia of Ronin, on behalf of the property owner, Escalante Developments, LLC.

The rezoning site is located between Escalante Road and the Pantano Wash, approximately one half mile east of Harrison Road.

The applicant proposes to construct 25 one- and two-story single-family residences on approximately four acres of the site on the west side of the property using the Residential Cluster Project (RCP) development option. The remaining four acres is indicated as natural area not to be disturbed.

The *South Pantano Area Plan* and the *General Plan* provide land use policy direction for this area. Policies in the *South Pantano Area Plan* provide guidelines for new development, protection of existing development and creation of a sense of community within established neighborhoods. The *Plan* encourages the development of a variety of housing types that transition to densities equivalent to or are compatible with contiguous development. The *General Plan* promotes increased housing density and compatible residential in-fill development. The *Design Guidelines Manual* provides design solutions to design-related policies in the *Plans*. The *Design Guidelines Manual* encourages pedestrian access to new developments using convenient points of access at the perimeter of the development. In addition, the privacy of adjacent residential developments should be protected and new buildings should complement existing structures using design elements of the adjacent architecture. The *South Pantano Area Plan* and the *General Plan* generally support the applicant's proposal for new residential development at this location.

The Zoning Examiner and Development Services Department recommend authorization of R-1 zoning subject to the following conditions:

1. A subdivision plat in substantial compliance with the preliminary development plan dated September 12, 2005, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1. of the *Land Use Code*.
2. The owner/developer shall design and construct street improvements along the frontage of Escalante Road. These improvements shall include an additional parking lane, curbs, sidewalks and curb access ramps. The owner/developer shall dedicate any additional right-of-way along the site frontage on Escalante Road to accommodate the street improvements being located within public right-of-way.
3. The owner/developer shall design and construct bank protection/erosion prevention structure along the site frontage along the Pantano Wash/Escalante Wash as required.
4. The natural area on the site shall include the 100-year floodplain of the Escalante Wash and the portions of the parcel to the east to be rezoned. These areas shall be platted as natural undisturbed open space (NUOS)

and shall be included in the Covenants, Conditions and Restrictions (CC&R's) as NUOS.

5. The developer shall evaluate threshold retention alternatives in lieu of providing threshold retention. Water harvesting shall be incorporated into all alternatives.
6. A trail easement along the Pantano Wash shall be constructed as determined by the City of Tucson Parks and Recreation Department. The dedication of a trail easement will be for public use and will allow for pedestrian and bicycle activity.
7. The owner/developer shall provide a corridor a minimum of 50 feet wide along the bank of the Pantano Wash as measured from the top of the bank or bank protection, north.
8. The owner/developer shall construct the subject segment of the Pantano River Park, as may be required by the Pima County Parks and Recreation Department for information and requirements.
9. Only one access point is allowed onto Escalante Road.
10. Two-story structures shall be limited to a maximum height of 24 feet and will be restricted to lots 4 - 24. One-story units shall be provided on lots 1 – 3 and lot 25, not exceeding 17 feet at the peak of a pitched roof.
11. New development shall complement the surrounding residential developments. Compatibility shall be demonstrated for all architectural elements including but not limited to screen walls, landscaping, rooflines, colors, materials, and architectural design.
12. All exposed exterior walls and roofs of structures, retaining walls, and accessory structures, except satellite dishes shall blend with the predominant colors found in the area.
13. Dimensioned elevation drawings with proposed colors, materials and color photographs of surrounding properties shall be submitted as a part of review by the Community Design Review Committee (CDRC).
14. Varying rooflines, three-dimensional cornice treatments, parapet wall details, and overhanging eaves shall be utilized to enhance architectural character and view corridors.
15. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone,

(c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.

16. Any continuous wall greater than 75 feet in length and three feet in height along a public ROW to have a varied wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
17. Amenities within parks/common areas/detention areas shall include park benches and/or picnic tables, barbecues, playground equipment, or similar passive/active equipment that can be used by residents. These areas will be made ADA accessible with a minimum five-foot wide path constructed of either stabilized DG, asphalt, or textured concrete.
18. Safe and convenient pedestrian connections shall be provided to all common areas, open space areas and recreation facilities.
19. Internal pedestrian paths and/or sidewalks with adjacent landscape strips shall include one, 15 gallon canopy tree on every other lot adjacent to the pedestrian path/sidewalks.
20. All areas identified as natural undisturbed open space (NUOS) or other designated open space are to be fenced off and protected prior to any on-site development activity.
21. Free-standing signs shall be integrated into the overall landscape plan along the Escalante Road street frontage. Details of all signage shall be part of the development plan submittal to CDRC.
22. Four (4) inch fence block shall not be used for perimeter walls.
23. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
24. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.

25. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
26. Any conditions or requirements specified herein including any sidewalk or trail abutting Escalante Road, Escalante Wash or Pantano Wash are not available to be used as Impact Fee offsets.
27. One year is allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Three (3) written approvals and seven (7) written protests were received prior to the Zoning Examiner's public hearing on February 16, 2006. Three (3) of the protests are within the 150 foot area, representing a 62.6 percent protest by area to the north, a 5.7 percent protest area to the east, and zero (0) percent protest area to the south and west. The protests generally allude to increase in traffic, destruction of natural environment, and incompatibility with the surrounding natural area.

A simple majority is needed for authorization of this case. Because the protest level exceeds 20 percent to the north, a three fourths majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

10. ZONING: (C9-05-30) HUTCHISON – HOUGHTON ROAD I-2 TO I-1, CITY MANAGER'S REPORT

- a. Report from City Manager MARCH28-06-149 WARD 4
- b. Report from Zoning Examiner dated March 3, 2006
- c. Request to rezone approximately 1.46 acres from I-2 (Heavy Industrial) to I-1 (Light Industrial) zoning. Applicant: William Schuiteman of Sayler-Brown
- d. Bolduc Lara Architects, on behalf of the property owner, Michael Hutchison.

The rezoning site is located on the east side of Houghton Road and one-half mile south of Valencia Road.

The applicant proposes to construct a 2,500 square foot addition to the existing 1,942 square foot non-conforming veterinary clinic (Animal Service) and continue the use of the property as a veterinary clinic. A Veterinary Clinic (Animal Service) is not an allowed use in the I-2 zone. The existing clinic is considered a non-conforming use and cannot be expanded under the existing zone. In order to expand the veterinary clinic the zoning must be changed to a zone (I-1) that allows an Animal Service as a permitted principal use.

The *Houghton Area Master Plan (HAMP)* and the *General Plan* provide land use policy direction for this area. The Conceptual Land Use and Circulation Map for *HAMP* designates this site for commercial/non-residential uses. Policies in the *HAMP* recommend redevelopment of nonresidential sites when appropriate access is provided from an arterial street and when compatibility can be demonstrated with adjacent development. The *General Plan* recommends screening and buffering of adjacent residential properties and consolidation of design elements such as access point, parking and landscaping.

The Zoning Examiner and Development Services Department recommend authorization of I-1 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated January 13, 2006, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. The owner/developer shall dedicate, or verify existence of, right-of-way on Houghton Road per the *Major Streets and Routes (MS&R) Plan* as required by the Department of Transportation.
3. The owner/developer shall provide any necessary easements to accommodate the Houghton Greenway Corridor along the Houghton Road frontage and shall be responsible for construction of the trail improvements in accordance with the *Houghton Area Master Plan*.
4. The owner/developer shall provide a minimum ten (10) foot wide landscape buffer and five (5) foot high decorative masonry wall on the east side of the property. Landscape buffer to include twenty-four-inch box canopy trees planted a minimum of twenty-five (25) feet on-center assuring that the canopies touch. Shrubs and groundcover shall also be provided in the landscape areas.
5. The owner/developer shall provide information regarding all easements across the rezoning site and shall modify as necessary to provide required cross-access to adjacent properties.
6. The owner/developer shall provide information regarding the existing paved areas on the site and on the properties to the north and south. Information shall be provided indicating if these areas will be shared or if this area will be for the exclusive use of the proposed development.
7. The proposed structure shall be designed to be architecturally compatible with the existing building. Detailed elevations drawings shall be submitted as part of the development plan review.

8. Outdoor storage areas, loading areas or dumpsters shall be appropriately screened and located a minimum of 50 feet from adjacent residentially zoned or used properties.
9. All activity associated with the use shall be conducted inside the structure.
10. Hours of operation shall be limited to 6 AM to 10 PM except for medical emergencies.
11. Barriers shall be provided along the edges of the parking area access lane from Houghton Road and adjacent to all on-site vehicular areas.
12. The existing sign walls shall be appropriately permitted or removed.
13. All new walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
14. Four (4) inch fence block shall not be used for any new perimeter walls.
15. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
16. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
17. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
18. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Ten (10) written approvals and two (2) written protests were received by March 13, 2006. Neither of the protests lie within the 150 foot protest area resulting in a zero percent protest by area in all four direction around the rezoning site. The protests generally allude to traffic congestion in the area and lowering of property values.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager MARCH28-06-152 CITY-WIDE

12. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, April 4, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.